

**ZONING BOARD OF APPEALS**

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ZBA 2009-58
Petition of Beverly St. Clair, M.D.
11 Gilson Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 10, 2009 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of BEVERLY ST. CLAIR, M.D. requesting renewal of a Special Permit pursuant to the provisions of Section II A 8 (h) and Section XXV of the Zoning Bylaw to allow her to continue to use a portion of her premises at 11 GILSON ROAD, in a Single Residence District, for the purpose of a home occupation; namely, a psychiatric practice for individual clients with hours from 9:00 a.m. to 5:00 p.m. on Tuesdays, Thursdays, and Fridays throughout the year, with no more than 21 clients during these hours. All parking is on the premises.

On August 25, 2009, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Beverly St. Clair (the "Petitioner"), who said that nothing has changed since she appeared before the Board two years ago, except that she is working a little less. She said that she continues to work within the requested hours.

The Board asked if Ms. St. Clair had spoken with the neighbors and if that had been documented. Ms. St. Clair said that the neighbors get together periodically for dinner. She said that she checks in with them at that time. She said that she can document that.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 11 Gilson Road, in a Single Residence District.

The petitioner is requesting renewal of a Special Permit to allow her to continue to use a portion of her premises for the conduct of a home occupation; namely, a psychiatric practice for individual clients with hours from 9:00 a.m. to 5:00 p.m. on Tuesdays, Thursdays, and Fridays throughout the year.

Dr. St. Clair's practice is limited to a maximum of 21 individual adults, who are pre-screened so as to be appropriate for a home office setting. Sufficient on-site parking is available for two cars, in addition to the family vehicles. There are no nonresident employees.

On August 31, 2009, the Planning Board reviewed the petition and had no objection to granting the request, assuming that there has been no change in the circumstances since the time of the last review.

Decision

This Authority has made a careful study of all the materials submitted and the information presented at the public hearing.

It is the opinion of this Authority that the Petitioner's request for a Special Permit for a home occupation at her premises at 11 Gilson Road is in compliance with the requirements of Section II A 8 (h) and that the requested home occupation will not disturb nor disrupt the customary character of the neighborhood.

Therefore, the Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, subject to the following conditions:

1. All client sessions shall be conducted within the hours of 9:00 a.m. and 5:00 p.m. on Tuesdays, Thursdays, and Fridays throughout the year.
2. Sessions with clients shall not exceed 21 hours per week during the aforesaid hours.
3. All parking related to the home occupation shall be in the driveway of the petitioner, and no vehicle related to the home occupation shall be parked on Gilson Road or on any adjacent street at any time.
4. This Special Permit shall expire two years from the date time-stamped on this decision.

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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

Richard L. Seegel, Chairman

J. Randolph Becker

David G. Sheffield

cc: Planning Board
Inspector of Buildings
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